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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Susan B. Sobolov-Jaynes :

APPLICATION NO.: 09/707,320 : Examiner: Jarvis, W.

FILING DATE: November 7, 2000 : Group Art Unit: 1614

TITLE: COMBINATION TREATMENT FOR :
DEPRESSION AND ANXIETY :

Commissioner for Patents
Washington, D.C. 20231

Sir:

COMMUNICATION IN RESPONSE TO SEPTEMBER 24, 2002 OFFICE ACTION

This Communication is submitted in response to the September 24, 2002 Office Action issued by the United States Patent Office in connection with the above-identified patent application. A response to the September 24, 2002 Office Action was indicated therein as due three months from the mailing date thereof, i.e. by December 24, 2002. Applicant is submitting herewith a Petition for a Three Month Extension of Time for responding to the September 24, 2002 Office Action, so that a response to the September 24, 2002 Office Action will not be due until March 24, 2003. Accordingly, this Communication is being timely filed.

REMARKS

Claims 1-16 are presently pending in the subject application. In the September 24, 2002 Office Action, the Examiner again rejected claims 1-16 of the subject application. Reconsideration of the rejections made in the September 24, 2002 Office Action is respectfully requested in light of the following remarks.

In the September 24, 2002 Office Action, the Examiner again rejected claim 1-16 provisionally under the doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-35 of copending application 09/867,079 and claims 1-33 of copending application 09/867,357. The Examiner asserted that the claims are not identical, but are nonetheless not patentably distinct from each other. The Examiner asserted that the claims of both of the aforementioned copending applications also claim the combination of